

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
NORTHWESTERN DIVISION**

United States of America,)	
)	
Plaintiff,)	ORDER ADOPTING
)	REPORT AND RECOMMENDATION
vs.)	
)	Case No. 4:03-cr-089
Joseph Martell,)	
)	
Defendant.)	

Before the Court is a report and recommendation filed by Magistrate Judge Charles S. Miller, Jr. on February 9, 2006. The defendant, Joseph Martell, appeared before Judge Miller on February 9, 2006, for an initial appearance on a second petition to modify the conditions of his supervised release. At the initial appearance, the parties informed Judge Miller that they had reached an agreement regarding the modification of Martell's supervised release. As a result, Judge Miller filed a report and recommendation recommending that Martell's supervised release be modified to include the following additional condition:

Martell is remanded into the third-party custody of Centre, Inc. in Fargo, North Dakota, for a period of six (6) months. While at Centre Inc., Martell should be allowed work release and must follow through with all treatment programming. In addition, Martell shall undergo a mental health evaluation at Southeast Human Service Center located in Fargo. Following his release from Centre, Inc., Martell shall continue to participate in AA as may be required by the probation officer.

The parties waive their right to object to the report and recommendation. The Court has carefully reviewed the Report and Recommendation, the record as a whole, and finds the Report and

Recommendation to be persuasive. The Court **ADOPTS** the Report and Recommendation (Docket No. 147) in its entirety.

IT IS SO ORDERED.

Dated this 10th day of February, 2006.

/s/ Daniel L. Hovland
Daniel L. Hovland, Chief Judge
United States District Court